

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 08, 2017

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Aaron Lopez Garcia

Case Number: 0980 2:05CR02040-FVS-1
0980 2:06CR02189-FVS-1

Address of Offender: Spokane, Washington 99204

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: June 9, 2011

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)
Escape from Federal Custody, 18 U.S.C. § 751(a)

Original Sentence: Prison - 120 months; Type of Supervision: Supervised Release
(2:05CR02040-FVS-1) TSR - 3 years

Original Sentence: Prison - 60 months;
(2:06CR02189-FVS-1) TSR - 3 years

Asst. U.S. Attorney: Shawn N. Anderson

Date Supervision Commenced: May 11, 2017

Defense Attorney: Federal Defender's Office

Date Supervision Expires: May 10, 2020

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 21:** You must reside in a residential reentry center (RRC) for a period up to 120 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. The defendant shall abide by the rules and requirements of the facility.

Supporting Evidence: On March 3, 2017, a modification to the conditions imposed under case number 2:05CR02040-FVS-1 and 2:06CR02189-FVS-1, was sought by the supervising officer to allow for the client's access to the facility to address his current state of homelessness. Mr. Garcia did sign a waiver of hearing form noting his acceptance of the condition as imposed.

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Mr. Garcia is alleged to have violated special condition number 21 by being unsuccessfully discharged from the Spokane RRC on July 31, 2017.

On May 15, 2017, it was verified by the undersigned officer that the client did report to the Spokane Residential Reentry Center as required following his release from Bureau of Prisons' custody. Mr. Garcia quickly excelled, but did express frustration to the undersigned officer on several occasions, specifically with respect to his passes being denied by staff for a variety of reasons. On July 31, 2017, the undersigned officer received notification from the assistant director with the Spokane RRC that Mr. Garcia was being terminated from the program due to his failure to pay subsistence while at the facility. The contact further revealed that the client was two payments behind, which accounted for a 1-month period of time, and when he was directed to make these payments in full by a set deadline, he refused to do so. Mr. Garcia was discharged from the facility effective July 31, 2017.

On August 1, 2017, the undersigned officer spoke with the client telephonically. On August 2, 2017, the client reported to U.S. Probation to further discuss his unsuccessful discharge from the facility. Mr. Garcia admitted to wilfully withholding his subsistence payments, however, indicated that he had only done so with the belief that such behavior would culminate in his being able to talk with management staff about his denied passes.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: August 4, 2017

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

August 8, 2017

Date